

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 22, 1997

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., Dunn, J. (Assigned), and S. Beaux, Deputy Clerk.

B102703 McGraw
 v.
 Farinella

Merits:

Argued by Jeffrey A. Hacker for appellant and no appearance for respondent. Cause submitted.

B105063 Williams
 v.
 United Interstate Financial Services Inc.

Merits:

Argued by Richard E. Williamson for respondent and no appearance for appellant. Cause submitted.

B110449 Dept. of Children & Family Services
 v.
 Nathan M.
 (In re Nathan M., a minor, r.p.i.)

Merits:

Argued by William M. Roth for appellant and by Kim Kedeshian, deputy county counsel, for respondent. Cause submitted.

DIVISION ONE (Continued)

B102730 Kayyall
v.
The Regents of the University of California et al.

Merits:
No appearance for appellant and respondents waived argument. Cause submitted.

B106707 Osder et al.
v.
Jones et al.

Merits:
No appearance for respondents and appellants waived argument. Cause submitted.

B100513 Badreshia
v.
Galpin Motors, Inc.

Merits:
Argued by Garth Goldberg for respondent and no appearance for appellant. Cause submitted.

B105714 Sabino
v.
Hays

Merits:
Argued by A. Justin Lum for appellant and by Robert L. Kern for respondent. Cause submitted.

DIVISION ONE (Continued)

B096004 Suncrete Materials Company et al.
 v.
 Norcross

Merits:

Argued by Michael T. Harper for appellant and by R. Wayne Olmstead for respondents. Cause submitted.

B099450 Varon
 v.
 20th Century Insurance Company et al.

Merits:

Argued by Janice Mazur for appellant and by Patricia Lofton for respondents. Cause submitted.

B091199 Lawrence
 v.
 Law Offices of A. Tod Hindin

Merits:

Argued by Karen L. Hindin for respondent and no appearance for appellant. Cause submitted.

B099829 Grabvac
 v.
 Pfaffl

Merits:

Argued by Jeffrey A. Kopczynski for appellant and by Steven A. Schneider for respondent. Cause submitted.

DIVISION ONE (Continued)

B102912 Sun et al.
 v.
 Cosgrove

Merits:

Argued by Alexandra S. Ward for appellant and by John S. Chang for respondents. Cause submitted.

B103874 Alami
 v.
 Law Offices of Antonio Jose Bestard et al.

Merits:

Argued by Wayne C. Smith for respondents and no appearance for appellant. Cause submitted.

B107783 Blasberg
 v.
 Winberger

Merits:

Argued by David Briley for appellant and by Paul F. Arentz for respondent. Cause submitted.

B106479 Newco Waste Systems, Inc. et al.
B109506 v.
 City of Monrovia et al.

Merits:

Argued by James D. Gustafson for appellants and by Mitchell E. Abbott for respondents. Cause submitted.

Justice Ortega leaves the bench.

DIVISION ONE (Continued)

B101299 Simpson
 v.
 Young et al.

Merits:

Argued by Jack Young, in propria persona and no appearance for respondent. Cause submitted.

Presiding Justice Spencer leaves the bench.

Justice Ortega resumes the bench.

B102978 Mercury Casualty Company
 v.
 Hertz Corporation

Merits:

Argued by Michael J. Convey for appellant and by Joseph R. Zamora for respondent. Cause submitted.

Dunn, J. (assigned) leaves the bench.

B111050 Providence Washington Insurance Company
 v.
 Container Freight, Inc. et al.

Merits:

Argued by Jeffrey S. Pollak for appellant and by Mary E. McCutcheon for respondents. Cause submitted.

DIVISION ONE (Continued)

B091291 Sehlmeier
 v.
 Callahan, McCune & Willis et al.

Merits:

Argued by Yvonne M. Renfrew for appellant, by Tom M. Allen for respondent David Sack M.D., by Manuel S. Klausner for respondent Callahan, McCune & Willis et al., by David Ozeran for respondent Long Beach Memorial Medical Center, by Lary Alan Rappaport for respondent Kegel, Tobin etc., and by Michael D. Lubrani for respondent Yvonne Stratton M.D. Cause submitted.

Court adjourned.

DIVISION TWO

B111705 Thompson (Not for Publication)
 v.
 Workers' Compensation Appeals Board

The April 7, 1997, order of the Workers' Compensation Appeals Board is hereby annulled and Karen Thompson is ordered reinstated to her position as a part-time bus driver. The matter is remanded for the Board to determine the amounts due Thompson as back pay from October 16, 1992, offsetting any workers' compensation indemnity for which LACMTA is liable, and as penalty pursuant to Labor Code section 132a, and to determine attorneys' fees.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION THREE

[illegible]

The judgment is modified to reflect 45 days of good time/work time and a total of 351 days of presentence custody credit. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Aranda, J. (Assigned)

DIVISION FOUR

B109155 Los Angeles County, D.C.S. (Not for Publication)
v.
Michelle T.

The disposition order is affirmed as to Candace and Brandon and is reversed as to Amanda and Dequan.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

B106532 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

October 22, 1997-Continued

DIVISION FOUR (Continued)

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

The judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Baron, J.

[illegible]

The Court:

The judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Baron, J.

October 22, 1997-Continued

DIVISION FIVE

B109383 People (Not for Publication)
v.
Eric Wallace

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Frank Jackson, J. (Assigned)

DIVISION SIX

B102682 Dawn
v.
General Motors Corp.

Filed order dismissing appeal as nonappealable.

DIVISION SEVEN

B098926 Los Angeles Unified School District (Certified for Publication)
v.
City of Los Angeles

The judgment is reversed and the cause remanded to the trial court which shall issue a peremptory writ of mandate directing the City to vacate its certification of the EIR and approval of the Warner Center Specific Plan. The writ shall direct the City, on any further proceedings on the EIR and the plan, to address the issues of noise and air pollution at Canoga Park High School and Parkman Junior High School as set forth in this opinion. The trial court is further directed to retain jurisdiction over this matter and to grant any further appropriate relief. Appellant shall recover costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B099684 Southern California Edison Company (Certified for Publication)

V.

Workers' Compensation Appeals Board

Tate, Respondent

The decision of respondent Workers' Compensation Appeals Board after reconsideration is annulled, and the matter remanded to the Board for further proceedings consistent with the view expressed herein.

Woods, J.

We concur: Lillie, P.J.
Johnson, J.

B107093 People (Not for Publication)

V.

Smith

The judgment is modified by vacating the order staying the three one-year prison term enhancements under Penal Code section 667.5, subdivision (b), and substituting therefor a new order that the three one-year terms imposed for the enhancements be stricken. In all other respects the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B101054 Swilley (Not for Publication)

V.

Lewis

The appeal is dismissed. Each side to bear its own costs.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

October 22, 1997-Continued

DIVISION SEVEN (Continued)

B098798 Guzey (Not for Publication)

V.

The Regents of the University of California

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.

Neal, J.

B106950 People (Not for Publication)

V.

Hernandez

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.

Neal, J.

B106854 People (Not for Publication)

V.

Whitfield

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Neal, J.

DIVISION SEVEN (Continued)

(Certified for Publication)

B108082 National Paint & Coating Assn, Inc., and California Paint Council
v.
State of California, et al.

The judgment of the trial court is affirmed. Respondent to recover costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B108632 Los Angeles County, D.C.S. (Certified for Publication)
v.
Gloria M.
In re Tamneisha S., a minor

The order of guardianship is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
 Neal, J.